

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

IN RE FIRSTENERGY CORP. SECURITIES  
LITIGATION,

This document relates to:

ALL ACTIONS.

Case No. 2:20-cv-03785-ALM-KAJ

Chief Judge Algenon L. Marbley

Magistrate Judge Kimberly A. Jolson

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**JOINT STATUS REPORT**

Pursuant to the Court's Scheduling Order (Doc. #255), the parties jointly submit a status report updating the Court on the discovery that has occurred during the 45-day period since the filing of the parties' June 27, 2022 Joint Status Report (Doc. #301).

**Document production.** During the 45-day period, counsel for FirstEnergy and Plaintiffs have repeatedly conferred regarding proposed custodians and search terms (in addition to those used by FirstEnergy for document productions in other litigation), and the date range(s) to apply to searches using the proposed terms and custodians. Concurrent with these negotiations regarding search terms, custodians, and date range(s), FirstEnergy began its review and production of responsive, non-privileged documents as soon as agreements on terms and custodians were reached. To date, FirstEnergy has made 25 volumes of productions and will continue to make regular, rolling productions and provide privilege logs. Plaintiffs and FirstEnergy worked cooperatively to adjust the deadline for the substantial completion of document productions by FirstEnergy, as they reported in their Joint Status Report Regarding Update to Substantial Completion of Document Production (Doc. #321), filed on July 29, 2022.

FirstEnergy and Plaintiffs continue to negotiate proposed custodians and search terms, and the date range(s) to apply to searches using the proposed terms and custodians.

In addition, third parties continue to produce documents in this matter, with the subpoenaing party distributing those productions to all other parties.

**Written discovery.** During the 45-day period, Defendant Jones served on FirstEnergy his first set of requests for admission, interrogatories, and requests for production.

**Depositions.** During the 45-day period, the parties filed their proposals regarding fact depositions (Doc. #306), and the Court entered an order regarding the fact deposition protocol (Doc. #309). The parties also submitted a joint stipulation regarding expert discovery, which the Court entered. (Doc. #311.)

Also during the 45-day period, FirstEnergy deposed each of the four named plaintiffs, as well as Plaintiffs' two experts in support of their motion for class certification. Plaintiffs and FirstEnergy reached agreement regarding a second Rule 30(b)(6) deposition of FirstEnergy and regarding issues relating to privilege arising out of the first Rule 30(b)(6) deposition of FirstEnergy. (*See* Unopposed Joint Motion and Stipulation to Continue Briefing Schedule and Amend Scheduling Order (Doc. #317); Order (Doc. #318).)

**Motions.** During the 45-day period, Plaintiffs and FirstEnergy negotiated an extension of briefing deadlines for Plaintiffs' motion for class certification. (Docs. #302, 303.) Defendants Jones and Dowling filed a motion to compel a second Rule 30(b)(6) deposition of FirstEnergy, and that motion has been fully briefed. (Docs. #319, 320, 322.)

**Subpoenas.**

Dowling's Update Regarding Subpoenas to Partners for Progress ("PFP") and Generation Now ("GN"). Meet and confer sessions pertaining to Dowling's subpoenas for documents and Rule 30(b)(6) depositions to 501(c)(4) entities PFP and GN were initially reported in the last status report. The meet and confers sessions have not resolved matters. Dowling and each of

these entities are at an impasse. As a result, Dowling plans to place these matters before the Court for resolution.

**Coordination.** During the 45-day period, discussions have occurred regarding coordination between this action and the *MFS* and *Brighthouse* actions. (See Doc. #309.) The parties will provide a further update regarding coordination by no later than their next status report.

\* \* \*

The parties will continue to work in good faith to resolve any discovery disputes that may arise in this matter.

Dated: August 11, 2022

Respectfully submitted,

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**CERTIFICATE OF SERVICE**

I hereby certify that the foregoing was filed electronically on August 11, 2022. Notice of this filing will be sent to all electronically registered parties by operation of the Court's electronic filing system. Parties may access this filing through the Court's system.

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